

Adopted	Rejected
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COMMITTEE REPORT

YES:	11
NO:	0

MR. SPEAKER:

*Your Committee on Roads and Transportation, to which was referred Senate Bill 342, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, delete lines 1 through 17.
- 2 Page 2, delete lines 1 through 38, begin a new paragraph and insert:
- 3 "SECTION 1. IC 9-13-2-42, AS AMENDED BY P.L.74-2001,
- 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2004]: Sec. 42. (a) "Dealer" means, except as otherwise
- 6 provided in this section, a person who sells to the general public,
- 7 including a person who sells directly by the Internet or other computer
- 8 network, at least twelve (12) vehicles each year for delivery in Indiana.
- 9 A dealer must have an established place of business that meets the
- 10 minimum standards prescribed by the bureau under rules adopted under
- 11 IC 4-22-2.
- 12 (b) The term does not include the following:
- 13 (1) A receiver, trustee, or other person appointed by or acting
- 14 under the judgment or order of a court.
- 15 (2) A public officer while performing official duties.
- 16 (3) A person who is a dealer solely because of activities as a

transfer dealer.

(4) A person that sells off-road vehicles.

(c) "Dealer", for purposes of IC 9-31, means a person that sells to the general public for delivery in Indiana at least six (6) boats per year.

SECTION 2. IC 9-13-2-114.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 114.6. "Off-road vehicle" has the meaning set forth in IC 14-16-1-3.**

SECTION 3. IC 9-13-2-123, AS AMENDED BY P.L.21-2003, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 123. (a) "Passenger motor vehicle" means, except as provided in subsection (b), a motor vehicle designed for carrying passengers. The term includes a low speed vehicle but does not include a motorcycle, a bus, ~~or~~ a school bus, **or an off-road vehicle.**

(b) For purposes of IC 9-19-10, the term includes buses, school buses, and private buses, and excludes trucks, tractors, and recreational vehicles.

SECTION 4. IC 9-17-2-1, AS AMENDED BY P.L.181-1999, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) Within sixty (60) days of becoming an Indiana resident, a person must obtain a certificate of title for all vehicles owned by the person that:

- (1) are subject to the motor vehicle excise tax under IC 6-6-5; **or**
- (2) are off-road vehicles for which a certificate of title was issued by another state;**

and **that** will be operated in Indiana.

(b) Within sixty (60) days after becoming an Indiana resident, a person shall obtain a certificate of title for all commercial vehicles owned by the person that:

- (1) are subject to the commercial vehicle excise tax under IC 6-6-5.5;
- (2) are not subject to proportional registration under the International Registration Plan; and
- (3) will be operated in Indiana.

(c) A person must produce evidence concerning the date on which the person became an Indiana resident.

SECTION 5. IC 9-17-2-1.5 IS ADDED TO THE INDIANA CODE

AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 1.5. A person who purchases an off-road vehicle after June 30, 2004, must obtain a certificate of title for the off-road vehicle from the bureau.**

SECTION 6. IC 9-17-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. If an application for a certificate of title is for a vehicle brought into Indiana from another state, the application must be accompanied by:

- (1) the certificate of title issued for the vehicle by the other state if the other state has a certificate of title law; ~~or~~
- (2) a sworn bill of sale or dealer's invoice fully describing the vehicle and the most recent registration receipt issued for the vehicle if the other state does not have a certificate of title law; **or**
- (3) other information that the bureau requires, if the other state does not have a certificate of title or registration law.**

SECTION 7. IC 9-17-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) **This section does not apply to a motor vehicle requiring a certificate of title under section 1(a)(2) or 1.5 of this chapter.**

(b) A certificate of title issued for a vehicle that is required to be registered under this title at a declared gross weight of sixteen thousand (16,000) pounds or less must contain the odometer reading of the vehicle in miles or kilometers as of the date of sale or transfer of the vehicle.

~~(b)~~ (c) A person may not knowingly furnish to the bureau odometer information that does not accurately indicate the total recorded miles or kilometers on the vehicle.

~~(c)~~ (d) The bureau and its license branches are not subject to a criminal or civil action by a person for an invalid odometer reading on a certificate of title.

SECTION 8. IC 9-17-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 9. (a) **This section does not apply to a motor vehicle requiring a certificate of title under section 1(a)(2) or 1.5 of this chapter.**

(b) A person applying for a certificate of title must:

- (1) apply for registration of the vehicle described in the application

1 for the certificate of title; or

2 (2) transfer the current registration of the vehicle owned or
3 previously owned by the person.

4 SECTION 9. IC 9-17-2-17 IS ADDED TO THE INDIANA CODE
5 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
6 1, 2004]: **Sec. 17. A certificate of title issued under this chapter**
7 **does not relieve an owner of an off-road vehicle from any**
8 **registration requirement for the off-road vehicle under**
9 **IC 14-16-1.**

10 SECTION 10. IC 9-17-8-0.5 IS ADDED TO THE INDIANA CODE
11 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2004]: **Sec. 0.5. This chapter does not apply to an off-road**
13 **vehicle.**

14 SECTION 11. IC 9-18-1-1 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. This article does not
16 apply to the following:

17 (1) Farm wagons.

18 (2) Farm tractors.

19 (3) Farm machinery.

20 (4) A new motor vehicle, if the new motor vehicle is being
21 operated in Indiana solely to remove it from an accident site to a
22 storage location because:

23 (A) the new motor vehicle was being transported on a railroad
24 car or semitrailer; and

25 (B) the railroad car or semitrailer was involved in an accident
26 that required the unloading of the new motor vehicle to
27 preserve or prevent further damage to it.

28 **(5) Off-road vehicles.**

29 SECTION 12. IC 9-18-18-4 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. Not more than ~~two~~
31 ~~(2)~~ **five (5)** disabled veteran license plates may be issued to each eligible
32 person.

33 SECTION 13. IC 9-22-3-0.5 IS ADDED TO THE INDIANA CODE
34 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
35 1, 2004]: **Sec. 0.5. For purposes of this chapter, "motor vehicle"**
36 **does not include an off-road vehicle."**

1 Page 3, line 11, after "company," insert "**or**".

2 Page 3, line 11, delete "corporation, or a unit of government" and
3 insert "**corporation**".

4 Page 5, delete lines 2 through 7, begin a new paragraph and insert:
5 "SECTION 15. IC 9-23-2-0.5 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2004]: **Sec. 0.5. For purposes of this chapter, "motor
8 vehicle" does not include an off-road vehicle.**

9 SECTION 16. IC 9-23-2.5-0.5 IS ADDED TO THE INDIANA
10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2004]: **Sec. 0.5. This chapter does not apply to a person
12 that leases off-road vehicles.**

13 SECTION 17. IC 9-23-3-0.1 IS ADDED TO THE INDIANA CODE
14 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2004]: **Sec. 0.1. This chapter does not apply to a person that
16 distributes or manufactures off-road vehicles.**

17 SECTION 18. IC 9-23-4-2 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 2. (a) This section
19 does not apply to a manufacturer of off-road vehicles.**

20 **(b)** Notwithstanding the terms, provisions, or conditions of any
21 agreement or franchise, the manufacturer or the converter
22 manufacturer is liable for all damage to a new motor vehicle before
23 delivery to a carrier or transporter.

24 SECTION 19. IC 9-23-5-0.5 IS ADDED TO THE INDIANA CODE
25 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
26 1, 2004]: **Sec. 0.5. This chapter does not apply to a franchise that
27 sells off-road vehicles.**

28 SECTION 20. IC 9-24-7-4 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 4. A learner's permit
30 authorizes the permit holder to operate a motor vehicle, except a
31 motorcycle, upon a public highway under the following conditions:**

32 (1) While the holder is participating in practice driving in an
33 approved driver education course and is accompanied by a
34 certified driver education instructor in the front seat of an
35 automobile equipped with dual controls.

36 (2) If the learner's permit has been validated and the holder is less

than eighteen (18) years of age, the holder may participate in practice driving if the seat beside the holder is occupied by a guardian, **stepparent**, or relative of the holder who holds a valid operator's, chauffeur's, or public passenger chauffeur's license.

(3) If the learner's permit has been validated and the holder is at least eighteen (18) years of age, the holder may participate in practice driving if accompanied in the vehicle by an individual who holds a valid operator's, chauffeur's, or public passenger chauffeur's license.

(4) While:

(A) the holder is enrolled in an approved driver education course;

(B) the holder is participating in practice driving after having commenced an approved driver education course; and

(C) the seat beside the holder is occupied by a parent, **stepparent**, or guardian of the holder who holds a valid operator's, chauffeur's, or public passenger chauffeur's license.

SECTION 21. IC 14-16-1-9.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 9.5. Registration under this chapter does not relieve an owner of an off-road vehicle from any requirement to obtain a certificate of title for the off-road vehicle under IC 9-17-2."**

Page 6, line 6, after "after the" insert ":

(1)".

Page 6, line 7, after "work" insert ";

Page 6, line 7, strike "the", begin a new line block indented and insert:

"(2)".

Renumber all SECTIONS consecutively.

(Reference is to SB 342 as printed January 30, 2004.)

and when so amended that said bill do pass.

Representative Reske